



# Town of Griswold



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GRISWOLD PLANNING & ZONING COMMISSION  
PUBLIC HEARING & REGULAR MEETING  
GRISWOLD TOWN HALL

APPROVED MINUTES  
DECEMBER 12, 2016

## SALUTE TO THE FLAG

### I. PUBLIC HEARING (6:30 PM)

#### 1. Call to order:

M. McKinney called this Public Hearing to order at 6:15 p.m.

#### 2. Roll Call

**Present:** Martin McKinney, Charlotte Geer, Courtland Kinnie, Erik Kudlis, James Krueger, Alternates Tom Palasky, Robert Parrette, Peter W. Zvingilas, ZEO Peter Zvingilas Town Planner Mario Tristany, Recording Secretary Donna Szall

#### 3. Determination of Quorum

There was a quorum for this public hearing.

#### 4. Matter Presented for Public Comment

**A. SRC 01-17 ECONOMIC DEVELOPMENT COMMISSION, GRISWOLD, CT.** Text Amendment to Section 7 C-Commercial Districts. New Sub-Section 7.3.28 Mixed Use Developments shall be permitted in all "C" Commercial Zones by Special Exception. The development shall be designed as a cohesive project designed to encourage and promote a well thought out and planned development. The mixed-use development shall consist of a minimum of at least three permitted land use types in order to be considered for review.

M. McKinney asked M. Tristany to read SRC 01-17 for the record. M. Tristany read the Text Amendment to Section 7 C – Commercial Districts new Sub-Section 7.3.28 Mixed Use Developments for the record. He explained that the text amendment was sponsored by the Economic Development Commission and that Tom Giard, Chairman, Jim Barnie and Paul Lach, EDC members were also present. He stated that the Public Hearing was duly published on two occasions per State statute and attested that all notices were sent out.

M. Tristany stated that the proposed developers of the Heritage River Village project, Jeff Lefkowicz and David Kagan, were present.

Tom Giard, Chairman of the Economic Development Commission to present his application. He stated that he has been working with the Heritage River Village project slated for Route 164 in Griswold. He stated that they will be back for their formal special exception application in January. He stated that Jeff Lefkowicz will give a brief presentation of the project.

Jeff Lefkowicz stated that he was here with is partner David Kagan. He gave a brief presentation for the project on Route 164 adjacent to the River Ridge Golf Course. The parcel is 60.99 acres; all of the property will not be developed but will have open space and recreation. He stated that the site slopes down to the river. He stated that Phase One construction will consist of two buildings for 48 units of 55+ Active Adult condominiums, 96 Rental units of Senior Independent Living and Senior Assisted Living, 81 Rental units of the Memory Care Complex which will have community living space and pavilions that will resemble outdoor space, and 26 units of Non-Age Restricted Rentals that will be above ground level of one of the 14,000 Retail/business/services Plaza building along with a Village Club House with pool, exercise equipment, therapy level, a walk out lower level for recreational programming, and the village maintenance functions as

well; an outdoor summer amphitheater focusing on the arts, entertainment, and Cultural programming for Village residents, towns people as well as the 30 surrounding communities who will also benefit from the support services, walking trails throughout the village and connect to the town's river walk; permanent home for a farmer's market.

M. McKinney asked for comments from the commission.

C. Kinnie stated that this public hearing is for the text amendment; he stated that we are looking at all property in Griswold that is 50 acres or more with public water and sewer. He stated that the language talks about the uses and there are no percentages and ratios and that is one of his concerns; and that the commercial land to be utilized to its best potential.

M. Tristany explained that there are two things that control future projects, 1) that it is permitted by special exception by the PZC which can demand the moon and get it since they can direct the developer to add more retail or commercial, or cut back on residential uses; and 2) it is controlled by the market and he cited examples of other special exceptions other properties will look more favorable on developing in Griswold.

He stated that 99 percent of what is proposed can be developed without the text amendment in town; this amendment adds non-age restricted housing to the commercial zone. He stated that there must be 3 uses from Item 1a; and at least 3 uses from items 1 b through 1g, and that 10 percent must be dedicated to open space. He explained that Sections 12 Special Exceptions; Section 13 Site Plan Requirements and Section 14 parking and Section 15 Signage also control a development project. There was discussion of this matter including that projects of this size usually drive changes to zoning requirements.

P. W. Zvingilas asked if the criteria in Section 12.21 for over 55 housing had been considered in this text change; will this language have to be changed. M. Tristany stated some of the aspects yes; but the density for the proposed text amendment allows ten units per acre.

E. Kudlis asked where the number 50 minimum acres of land comes from; and how many commercial parcels of 50 acres meet those criteria. M. Tristany stated that you can assemble contiguous parcels to create the 50 acre minimum; the commission can determine by consensus that the minimum number can 20 or 25 acres. He explained that when the commission set up the requirements for the business park they set a minimum number of acres to set aside; that was how he decided on acreage for a development of this magnitude. There was discussion of this matter.

E. Kudlis asked how many commercial parcels are 50 or more acres. M. Tristany cited examples of parcels over 50 acres; i.e., the Stott property, former Riel property is over 130 acres. He stated that the area can only support so many units of retail/commercial and mixed residential use and dementia care.

M. McKinney opened the floor for public comment.

Jim Barrie, 735 Hopeville Road stated explained that he and his family had personal experience with dementia care for location and care and transportation. He stated that the developers have done a superb job assembly the amenities for a project like this.

Ed Berdick, 760 Voluntown Road asked if we are talking about this project or the text amendment. He stated he thought it was a good project. He stated that for the text amendment, there are no ratios for the three permitted land uses and he felt that the commission can drive the ratios for a particular project; but a resident of the town has no guideline to count on a project meeting certain parameters. He stated that the Planner should have identified the 50 acre parcels in support of the text amendment. He asked for an explanation of why a project like this would be done by special exception rather than having language in the regulations to meeting certain criteria. M. McKinney stated that there the special exception provides a checks and balances for a project. M. Tristany stated that the current regulations stated that any building 5000 square feet or larger requires a special exception by the Commission; and that a project of this magnitude requires another level of control to look at any adverse affects to the abutting properties. He stated that regarding the number of acres; contiguous parcels can be assembled to create the minimum parcels; and that the market dictates whether another project like this is viable. There was discussion of this matter.

E. Berdick stated that if this gets passed, he asked for a list of the available 50 parcels and what infrastructure would be required. M. McKinney explained that there must be public water and sewer and the required items listed in the text amendment.

Judith Merrill, Edmond Road, was concerned that there is not a lot of commercial property in town; and that there is not enough available funding and that state funding is going to affordable housing. She stated that this is a mixed use but there are plans for only one building and that she did not want to see a big commercial property on the highway going just to housing. M. Tristany stated that as planner, from 1994 up to today, there have been scores of commercial developers who have said that Griswold is a secondary market and there is a lack of rooftops and population and income within a 3, 5 and 10 mile radius. He stated that the number of housing units of this project will create a synergy on Route 164 that will drive commercial development. He stated that in 1994 or 1995 an economic development study was done by the town and Route 164 was deemed the commercial corridor for Griswold. J. Merrill stated that infrastructure was a big thing. M. Tristany stated that infrastructure can be solved easily. J. Merrill stated that it cost money. M. McKinney stated that this company will pay for that. J. Merrill asked that the commission look at the amount of commercial space that is going into this development when the Commission makes its decision because the money is not readily available. M. Tristany stated that this is the first project since he has been in Griswold that has shown interest in the Siner property.

Dave Vieaux, 59 Leha Avenue, stated that he thought that this was a decent project. He stated that based on the existing regulations, making this text amendment and its changes, and looking at the scope of the project is just the tip of the ice berg. He stated that there will have to be waivers for the 35 height minimum, a square foot minimum, units per acre for this project to go through; and how it goes along with the town's Conservation Plan. He stated that he is not supporting the text change.

Jim Bernie, Hopeville Road, stated that until this project made the news, there has been zero interest in this town; and since it has made the news, there has been more interest than I have seen since he was involved in the town these past four or five years. M. Tristany stated that this was true.

Kevin Skulczyck, 70 Haley Meadow Road, stated that we have a long way to go before this project can become real. He stated that in three years as Selectman, he has tried to attract commercial business to town. He cited an example that Shop Rite response he has given that there are not enough rooftops, you don't have the numbers to meet the needs of the corporation to build here. He stated that if this project is completed, it will bring in \$2.5 million dollars a year; when the yearly struggle to close a \$32,000 town budget shortfall. He asked when there has been a project with a \$2.5 return to the tax before the Planning and Zoning Commission. He stated that this is the tip of the ice berg. He stated that Alzheimer care is a national and international challenge. He stated that this project will attract clients from Massachusetts, Rhode Island and Connecticut. K. Skulczyck asked J. Lefkowicz what the total cost was. J. Lefkowicz stated that it is \$160 million at full build out. K. Skulczyck stated that he supports this text amendment and is a great opportunity for Griswold.

E. Berdick stated that he supports the text amendment proposed; he suggested that there should be ratios for a minimum amount of commercial for the 50 acres. There was discussion of this matter including that wetlands cannot be considered open space. M. McKinney explained that the special exception process looks at all the nuts and bolts of a project to determine what ratios of commercial to housing should be considered.

P. Zvingilas 607 Roode Road stated that regarding the \$2.5 million in taxes to the town, he stated that at that time, the Planning and Zoning Commission turned down the Dog Track that went to Plainfield and all the commercial development followed it. P. Zvingilas stated that he was for the commercial development.

Tom Giard, 37 Jennifer Lane and Economic Development Commission stated that looking at the text amendment; you need to look at whether the text amendment gives enough protection to keep bad things from happening. He stated that the special exception process overrides and when you assign a percentage, you get locked in to that percentage. He explained that we went with the 50 acres; and that this site is too far from 395 to develop for retail/commercial, this project is tacking on 42,000 square footage of Retail/Commercial and when it is fully built out, there are 400 to 600 people on a daily basis who will come to this location. He stated that another protection is that public water and sewer is needed and that Route 164 and some of the arteries off of Route 164 is the location that these serves can be extended in this corner of the town. T. Giard stated that in real terms, the tax revenues of \$2.5 million can offset an economic impact to the school system.

K. Skulczyck stated that with a project like this, we will be able to meet the threshold numbers that a developer like Shop Rite requires, and also that Pleasant View will be up and running with 100 plus units. He stated that we now have people knocking on our door now for the record.

M. McKinney asked for other public comments. He asked for comments from the Commission. E. Kudlis asked again regarding the acreage issue and the net market demand. He stated that the full build out of the project He stated that he did not see two projects like this coming into town. He suggested that there may be niche opportunities that a developer may not need 50 acres and that we should not shut the door on projects that require smaller acreages to meet smaller areas of net market demand. He felt that it was overly restrictive and closes the door on smaller development and would like to see the minimum acreage changed. M. Tristany stated that the Commission can change the minimum acreage required. There was discussion of this matter.

C. Kinnie stated that he agreed with E. Kudlis on his point about minimum acreage. He stated that a particular development will be reviewed through the special exception process; he stated that the need for ratios and percentages would limit what this board can do and what development would come into town. He stated that sustainable build out and sustainable development is looking at village settings, mixed uses residential mixed with commercial, and 50 acres is a lot; you can do a lot with 20 acres and 20 acres is a feasible number. M. Tristany stated that there is no magic number for acreage; it's in direct proportion to the size and scope of the project.

P. W. Zvingilas stated that he was concerned with the language in Section 12.21 since there are 6 pages dedicated to Over 55 housing and wanted to be sure that there is no crisscrossing of language because there are special issues and sign issues. There was discussion of this matter. M. Tristany stated that that language would need to be modified, but the proposed project would come under some of that criteria. He stated that what controls here the number of units permitted per acre for single family and multifamily dwellings..

J. Krueger stated that the size of the project can it be left open ended for our review of each project rather than limit it to a minimum acreage. M. Tristany stated that a developer would need a certain number of acres to start.

Jim Barrie stated with large zoning where the best land, and particularly farm land, getting chopped up and that we should go with smaller lot sizes.

J. Merrill asked if the four components would still be needed if the minimum acreage was smaller and each component would be smaller. M. Tristany stated yes.

M. McKinney asked for other comments from the public.

R. Parrette asked that if it comes down to acreage even if this project does not exist. Should we assign a percentage of value to Items a through h. M. Tristany stated that it would be picked up during the special exception.

## 5. Adjournment

M. McKinney asked for a motion to close the public hearing.

**MOTION:** E. Kudlis moved to close the public hearing at 7:48 p.m. C. Geer seconded the motion. All were in favor the meeting adjourned at 7:48 p.m.

## II. REGULAR MEETING (7:00 P.M.)

### 1. Call to order:

M. McKinney called this regular meeting to order at 7:48 p.m.

### 2. Roll Call

**Present:** Martin McKinney, Charlotte Geer, Courtland Kinnie, Erik Kudlis, James Krueger, Alternates Tom Palasky, Robert Parrette, Peter W. Zvingilas, ZEO Peter Zvingilas Town Planner Mario Tristany, Recording Secretary Donna Szall

### 3. Determination of Quorum

There was a quorum for this regular meeting.

### 4. Approval of Minutes

- A. Approval of Minutes of the Regular Meeting of November 14, 2016. E. Kudlis moved to approve the minutes of November 14, 2016. T. Palasky stated that he was seated twice under Quorum. M. McKinney stated that we will approve the minutes next month.

5. **Correspondence and Attachments**

There was no correspondence and attachments

6. **Matters Presented for Consideration**

- A. **SRC 01-17 ECONOMIC DEVELOPMENT COMMISSION, GRISWOLD, CT.** Text Amendment to Section 7 C-Commercial Districts. New Sub-Section 7.3.28 Mixed Use Developments shall be permitted in all "C" Commercial Zones by Special Exception. The development shall be designed as a cohesive project designed to encourage and promote a well thought out and planned development. The mixed-use development shall consist of a minimum of at least three permitted land use types in order to be considered for review.

M. McKinney asked the members for their thoughts.

E. Kudlis stated that he was in favor of the text amendment and would like to see the minimum acreage changed to 10 acres. M. McKinney asked how he arrived at 10 acres. E. Kudlis explained that with ten good acres of land and municipal services, you can do a lot especially with a niche development opportunity and we should not close the door to encourage people to bring in their proposals. He stated that it would give us more flexibility and opportunity; and ten acres can be cut out of a larger piece of commercial property. M. Tristany stated that he had no issues with the 10 acres. He stated that a smaller project could work on ten acres. There was discussion of this matter including that the existence of wetlands in a commercial application has a 150 foot regulated area.

J. Krueger stated that with the 10 acres you have to contend with inland wetlands and with the 10 percent of the site must be open space for private and public use so it diminishes that workable area. M. Tristany stated that for a 10 acre parcel, ten percent of the site would be one acre.

M.M stated that if the Commission is fine with it then he is fine with it. M. Tristany stated that all the uses could be built on a site right now except for Item 5 the total housing units cannot exceed 10 acres. He stated that retail, office, professional office except for market-rate apartments. There was discussion of this matter including that the R-20 zone did away with multi-family development because they had public water and sewer or close by.

T. Palasky asked what the definition of a housing unit was. M. Tristany stated a housing unit is an apartment.

M. McKinney asked for a motion. C. Kinnie stated that there should be three permitted land use types; but it reads Item 1a Retail, Commercial, Restaurant use and 3 items from b through h., so it is actually four uses. M. Tristany explained that the summary was shortened so the whole text amendment would not be written. C. Kinnie stated that the public hearing has been closed and we heard testimony and public comment. He stated that the only issue was the minimum acreage. We have had a chance to discuss it.

**MOTION:** E. Kudlis moved to approve SRC 01-17 the new Subsection 7.3.28 Mixed Use Development as presented with Item 2 being revised to contain a minimum 10 acres. C. Kinnie seconded the motion. All were in favor. The motion was carried unanimously.

7. **Additional Business**

There was no additional business.

8. **Old Business**

There was no old business.

9. **New Business**

10. **Reports from the Enforcement Officer**

P. Zvingilas stated that Hannah's Market had stipulation for planning trees and paving. He stated that the gentleman is looking for a CO without putting in the trees, so the conditions will not be met. M. McKinney asked if a temporary CO can be give or a bond. James Lynn, owner of Hannah's Market and resident of Griswold. He

explained that the crushed stone will be put in but he cannot put in the trees and some of the asphalt. M. McKinney asked if he had a price on the trees. J. Lynn stated he has to put in twelve trees; he didn't have a price. There was discussion of this matter including that only erosion and sedimentation controls can be bonded. M. Tristany stated that a \$2,500 bond for the trees is already bonded for CTDOT. M. McKinney asked for a motion.

**MOTION:** E. Kudlis moved that Building Official and ZEO issue a CO for 1027 Voluntown Road contingent upon a bond in place for \$2500 cash bond (certified bank check) to be installed by June 1, 2017. J. Krueger seconded the motion. All were in favor. The motion was carried.

**11. Adjournment.**

M. McKinney asked for a motion to adjourn.

E. Kudlis moved to adjourn. C. Kinnie seconded the motion. All were in favor. The meeting adjourned at 8:10 p.m.

Respectfully submitted,

Donna Szall  
Recording Secretary